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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,589	12/12/2000	Carl Phillip Gusler	AUS920000767US1	8572

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EXAMINER

ALAM, UZMA

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,589

Applicant(s)

GUSLER ET AL.

Examiner

Uzma Alam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is responsive to the application filed on November 12, 2000. Claims 1-29 are pending. Claims 1-29 represent a method for dynamic modification of Internet firewalls.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It was not executed in accordance with either 37 CFR 1.66 or 1.68.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 15-18 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Humes US Patent No. 6,539,430. Humes discloses the invention substantially as claimed including a method for filtering data. See abstract.

As per claims 1, 15 and 28 Humes discloses a method, apparatus and computer program product for filtering content, comprising:

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assigning point values to a plurality of keywords (assigning a value to certain words; column 2, lines 36-44; column 3, lines 6-19; column 4, lines 9-14);

receiving a first plurality of documents from a source (retrieving documents; column 3, lines 34-42);

comparing text of each of the first plurality of documents with the plurality of keywords (comparing the document with the words of the dictionary; column 3, lines 60-67);

calculating a score for each of the first plurality of documents based on the point values and the results of the comparison (assigning a score; column 5, lines 56-67; column 6, lines 1-15; column 6, lines 51-64);

calculating an first average of the scores for the first plurality of documents (calculating an average; column 8, lines 4-19); and

blocking access to the source if the first average score exceeds a threshold (blocking the document; column 3, lines 6-19; column 5, lines 14-30; column 6, lines 51-64; column 7, lines 66-67; column 8, lines 1-5).

As per claims 2 and 16 Humes discloses the method and apparatus of claims 1 and 15 wherein the keywords and corresponding point values are stored in a keyword search table (keywords stored in a dictionary; column 4, lines 1-25; column 6, lines 40-50; column 8, lines 43-52; column 9, lines 5-35).

As per claims 3 and 17, Humes discloses the method and apparatus of claims 1 and 15 wherein the step of blocking access to the source comprises entering a known-block rule in a

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rules table, the known-block rule indicating that the source is to be blocked (blocking the entire site; column 3, lines 20-33; column 6, lines 40-50).

As per claim 4 and 18, Humes discloses the method and apparatus of claims 1 and 15 further comprising:

entering a known-safe rule in a rules table if the first average score does not exceed the threshold, the known-safe rule indicating that access to the source is to be permitted (allowing access to the entire document; column 3, lines 20-33 ;column 6, lines 30-39)

As per claim 5, Humes discloses the method of claim 1, further comprising:

if the first average score does not exceed the threshold, performing the following steps:

receiving a second plurality of documents from a source;

comparing text of each of the second plurality of documents with the plurality of keywords;

calculating a score for each of the second plurality of documents based on the point values and the results of the comparison;

calculating a second average of the scores for the second plurality of documents;

and blocking access to the source if the average score exceeds a threshold (blocking the document; column 3, lines 6-19; column 5, lines 14-30; column 6, lines 51-64; column 7, lines 66-67; column 8, lines 1-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-14, 19-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humes US Patent No. 6,539,430 in view of Thomas US Patent No. 6,401,118. Thomas discloses the invention as claimed including an online monitoring system.

As per claims 6 and 19, Humes discloses the method and apparatus of claims 1 and 15. Humes does not disclose wherein the method is performed in a firewall. Thomas discloses “the method is performed in a firewall” (See column 4, lines 38-67; column 5, lines 1-6). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the method of a firewall of Thomas with the method of Humes. A person of ordinary skill in the art would have been motivated to do this to protect a cluster of more loosely administered machines from external invasion.

As per claims 7, 20 and 29 Humes discloses a method, apparatus and computer program product for filtering content, comprising:

assigning point values to a plurality of keywords (assigning a value to certain words; column 2, lines 36-44; column 3, lines 6-19; column 4, lines 9-14);

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receiving a request for a document from a client (retrieving documents; column 3, lines 34-42);

receiving the document from a source (retrieving documents; column 3, lines 34-42);

comparing text of each of the plurality of documents with the plurality of keywords (comparing the document with the words of the dictionary; column 3, lines 60-67);

calculating a score for the document based on the point values and the results of the comparison (assigning a score; column 5, lines 56-67; column 6, lines 1-15; column 6, lines 51-64);

calculating an average score over the decision interval if the decision interval has been reached for the source (calculating an average; column 8, lines 4-19); and

blocking access to the source if the average score exceeds a threshold.

Humes does not disclose determining if a decision interval has been reached. Thomas discloses determining if a decision interval has been reached. See column 7, lines 55-67; column 8, lines 1-34. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine a decision interval of Thomas with the monitoring system of Humes. A person of ordinary skill in the art would have been motivated to do this to not burden the host resources.

As per claims 8 and 21, Humes and Thomas disclose the method and apparatus of claims 7 and 20 wherein the keywords and corresponding point values are stored in a keyword search table (Humes; keywords stored in a dictionary; column 4, lines 1-25; column 6, lines 40-50; column 8, lines 43-52; column 9, lines 5-35).

As per claims 9 and 22, Humes and Thomas disclose the method and apparatus of claims 7 and 20. Humes does not disclose wherein the decision interval is a length of time. Thomas discloses wherein the decision interval is a length of time. See column 9, lines 1-6. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine a decision interval of time of Thomas with the monitoring system of Humes. A person of ordinary skill in the art would have been motivated to do this to not burden the host resources.

As per claims 10 and 23, Humes and Thomas disclose the method and apparatus of claims 7 and 20. Humes does not disclose wherein the decision interval is a number of documents. Thomas discloses wherein the decision interval is a number of documents. See column 7, lines 55-67; column 8, lines 18-34. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine a decision interval of a number of documents of Thomas with the monitoring system of Humes. A person of ordinary skill in the art would have been motivated to do this to not burden the host resources.

As per claims 11 and 24, Humes and Thomas disclose the method and apparatus of claims 7 and 20, wherein the step of blocking access to the source comprises entering a known-block rule in a rules table, the known block rule indicating that the source is to be blocked (Humes; blocking the entire site; column 3, lines 20-33; column 6, lines 40-50).

As per claims 12 and 25, Humes and Thomas disclose the method and apparatus of claims 7 and 20 further comprising:

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entering a known-safe rule in a rules table if the first average score does not exceed the threshold, the known-safe rule indicating that access to the source is to be permitted (Humes; allowing access to the entire document; column 3, lines 20-33 ;column 6, lines 30-39).

As per claims 13 and 26, Humes and Thomas disclose the method and apparatus of claims 7 and 20. Humes does not disclose further comprising: passing the document to the client if the decision interval has not been reached. Thomas discloses wherein the document is passed to the client if the decision interval has not been reached. See column 8, lines 66-67; column 9, lines 1-6. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine a decision interval of Thomas with the monitoring system of Humes. A person of ordinary skill in the art would have been motivated to do this to not burden the host resources.

As per claims 14 and 27, Humes and Thomas disclose the method and apparatus of claims 7 and 20, further comprising:

passing the document to the client if the first average score does not exceed the threshold (Humes; allowing access to the entire document; column 3, lines 20-33 ;column 6, lines 30-39).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Russell-Falla et al. US Patent No. 6,675,162

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Toga US Patent No. 6,041,355

Shanon US Patent No. 6,233,618

Donohue et al US Patent No. 5,9687,480

Mitchell US Patent No. 6,701,350

MacLean US Patent No. 6,701,350

Brown et al. US Patent No. 5,941,947

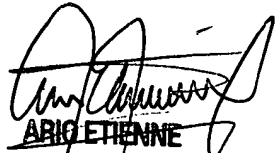
Dutta US Patent No. 6,684,254

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (703) 305-8420. The examiner can normally be reached on Monday-Tuesday 11:30am-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308 - 7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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